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Written statement* submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Prevention of the Use of Children in Armed Conflict

A growing number of minors are being recruited into the violence of internal conflicts such as civil war and gang warfare. Children are being used in the pursuit of power by both governments and criminal organizations. Governments need to be held accountable for the lack of protection provided to children. This statement addresses the ongoing issue of violence against children in the following six countries that have differing forms of ongoing armed conflict, from which the governments have been unable or unwilling to protect children from recruitment, and have thousands of actively-involved children: the Democratic Republic of the Congo, Sudan, South Sudan, Honduras, Guatemala, and El Salvador.

Article 38(2) of the Convention on the Rights of the Child (CRC) provides that "State Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities." In 2002 the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict came into force. It stipulates that State Parties shall take all feasible measures to prevent recruitment or use in hostilities of persons underage of 18, as well as ensure that they are not compulsorily recruited into their armed forces. Furthermore, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Based on HRC's 2015 Resolution 28/19, which addresses the need for government protection of children particularly when armed conflicts are involved, Human Rights Advocates calls attention to the prevalent use of children in armed conflicts in Central America and in the Democratic Republic of the Congo, Sudan and South Sudan, which often are the result of gang activity. Addressing this issue will be a step toward better investment in the CRC.

Central America

In Central America, particularly the Northern Triangle countries of El Salvador, Honduras, and Guatemala, raging gang violence has stopped the advancement of the CRC in its tracks. The upsurge in these internal armed conflicts combined with the lack of protection by the government has left children in these countries vulnerable to violence, particularly the recruitment by gangs. Gang recruitment of minors in the Northern Triangle is a growing issue with thousands of minors actively recruited and participating. A study done of 322 minors from the Northern Triangle, revealed that over one third of them had been recruited to join a gang and a fourth of those were assaulted after refusing.[1]

Gang leaders force children to work for them from as early as age 6, threatening those who refuse with death. Many children have stopped going to school because classrooms have become recruiting grounds leading these countries to have the lowest school attendance rates.[2] The situation more closely resembles that of child soldiers in African countries, where children are forcibly recruited, than a conflict where children are accidental casualties.

In El Salvador 59 percent of boys and 61 percent of girls identified gang threats and violence as a reason for migrating.[3] Since gangs and police target young people, many have stated that El Salvador is "no place for children."[4]

In Honduras, nearly half of the children (48%) said they had experienced serious harm or had been threatened by

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[1] Immigrant Policy Center, *No Childhood Here: Why Central American Children Are Fleeing Their Homes.* (July 1, 2014) available at: immigrationpolicy.org

[2] Women's Refugee Commission, *Humanitarian Protection for Children Fleeing Gang-Based Violence,* 135 America (Jones and Podkul 2012, 10).

[3] Elizabeth Carlson, Anna Marie Gallagher, "Humanitarian Protection for Children Fleeing Gang-Based Violence in the Americas," Journal on Migration and Human Security, (2015).

[4] Elizabeth Kennedy, Immigration Policy Center, *No Childhood Here: Why Central American Children Are Fleeing Their Homes* (July 2014), available at: <http://www.immigrationpolicy.org/sites/default/files/docs/no_childhood_here_why_central_american_children_are_fleeing_their_homes_final.pdf>.

organized criminal groups or state actors.[5] In 2013, 1,013 people under 23 were murdered in Honduras, a nation of eight million.[6]

In Guatemala, at least 3,000 youths are involved in street gangs.[7] Forty-seven minors suffered violent deaths nationwide between January and September 2014. Here, 98% of crimes do not result in prosecutions.[8] The recruitment of children into gangs is depriving them of their right to education, health, and a secure environment.[9] The failure of the government who is responsible for the protection of children leaves many children with no choice but to try to escape across the border to the U.S. or to join the armed conflict.[10]

Africa

Africa has taken the use of children in armed conflicts a step further as there is recruitment of children by the national armed forces, not just organized syndicates. The use of child soldiers in the Democratic Republic of Congo has been described as "endemic" by the UN Organization Stabilization Mission in the DRC (MONUSCO). In 2011 it was estimated that there were 30,000 children currently being used in combat.[11] Child recruitment incidents increased significantly in 2012 because of renewed conflict in the east and they remain high.[12] The main perpetrators are armed groups and the national armed forces (FARDC).[13]

Sudan has one of the worst child soldier problems in the world with more than 17,000 child soldiers fighting on the government side or for rebel forces even after 25,000 former child soldiers had been demobilized from rebel groups in Southern Sudan in 2001. About 16,000 children have been recruited by government and rebel forces since the war began in in South Sudan in 2013, according to the United Nations. They are foot soldiers, cooks and cleaners, boys and girls as young as nine. Many were taken from their homes and schools and forced onto the battlefield. By last November, there were 12,000 youths fighting on both sides, according to UNICEF.[14]

Similar to the children in Central America, the children in Africa carry AK-47s and M-16s on the front lines of combat, while serving as human mine detectors, participating in suicide missions, and acting as spies. Also similar to the children suffering from violence in the Northern Triangle countries, the children in Africa are abducted or recruited by force, and often compelled to follow orders under the threat of death. Many children are promised that they are going to attend school, which are actually military training facilities disguised as schools. The facilities, despite being under the direction of the U.N. and international organizations, are where children were brainwashed to become ruthless killers.[15]

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[5] Kandel, William, Congressional Research Service, Unaccompanied Alien Children: Potential Factors Contributing to Recent Immigration, July 3, 2014, available at: http://fas.org/sgp/crs/homesec/R43628.pdf [last accessed Jan. 2016].

[6] Robles, Frances, "Fleeing Gangs, Children Head to the U.S. Border," The New York Times (July 9, 2014) available at: http://nyti.ms/1qX0d6p [last accessed Dec. 27, 2015].

[7] U.S. Department of Justice, *Guatemala 2014 Human Rights Report* https://edit.justice.gov/sites/default/files/pages/attachments/2015/06/26/dos-hrr_2014_guatemala.pdf#page=17

[8] Human Rights Watch, World Report 2013: Guatemala (2013)

[9] *Id.*

[10] Id.

[11] Drumbl, Mark A. *Reimagining Child Soldiers in International Law and Policy.* Oxford University Press. (2012).

[12] Child Soldiers International, *Briefing on the recruitment and use of children in the Democratic Republic of the Congo (DRC) to the UN Security Council Working Group on Children and Armed Conflict,* 31 July 2014.

[13] *Id.*

[14] https://www.washingtonpost.com/world/africa/south-sudan-thought-it-had-solved-its-child-soldier-problem-it-hasnt/2015/11/12/dc52fe42-8488-11e5-8bd2-680fff868306_story.html.

[15] "Child Soldiers in the Firing Line." BBC News 8 April 2001. 16 April 2008 <http://news.bbc.co.uk/2/hi/1266534.stm>

The Need for Accountability and Action

These governments are examples of the failure to protect children the way pursuant to their commitments when they ratified the CRC years ago. They have the unequivocal responsibility to make ending this violence a priority regardless of the inherent difficulties.

Holding states accountable to ensure that children are protected from direct hostilities will undoubtedly assist child victims in accessing protection from ongoing violence. It is crucial that states follow HRC's Resolution 28/19 and take effective legislative measures, including sufficient resource allocation, and eliminate all forms of violence against children in all settings.

The use of minors in armed conflict and organized groups violates national and international laws, and is also a gross violation of human rights. Children are often lured into armed conflicts in regions like Latin America and Africa because of poverty, lack of education and employment, and the erosion of other systematic institutions. However, it is the duty of the governments in those countries to protect their children the way they promised to when they each ratified the CRC.

Recommendations

Human Rights Advocates urges:

1. The Human Rights Council:
   a. To set up a mechanism to enforce its guidelines to ensure its recommendations under paragraphs 38, 39, and 41of Resolution 28/19 are being complied with.
   b. To request that the Security Council include in its resolutions the responsibility of governments to protect children from internal conflicts including gang recruitment.
   c. To request that the Security Council impose a comprehensive arms embargo on the DRC, South Sudan, Sudan, Guatemala, Honduras, and El Salvador and create a body to monitor and report on the implementation of the embargo.
2. State Parties:
   a. To cease military aid to Central American, Congolese, South Sudanese, and Sudanese security forces and other government agencies that provide impunity for widespread violence against children.
   b. Calling on all nations to ratify the CRC.